

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 429/2016
(M.A. No. 193/2017, M.A. No. 199/2017 & M.A. No. 214/2017)**

**All India Kaimur People's Front
Vs.
The State of UP & Ors.**

CORAM:

**HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:

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| Applicant /Appellant | Mr. T. N. Singh & Mr. Vikas K. Singh |
| Respondent No. 1 | : Mr. Balendu Shekhar, Mr. R. K. Maurya & mr. Vivek Jaiswal adv., |
| State of UP | : Mr. Ankit Verma, Adv |
| Respondent No. 8 & 9 | : Mr. Harin P. Raval, Sr. Adv Mr. Nipur Sakena and Mr. Ankit Verma, Adv. |
| Applicant in I.A 214/17 | : Mr. Narendar Hooda, Sr. Adv, Mr. Madan Shivastava, Adv Mr. A Dhirendra, Adv and Ms. Shruti Sen, Adv |

| Date and Remarks | Orders of the Tribunal |
|-------------------------------------|---|
| Item No.12 April 20 2017 | In the joint action 23 persons through M.A. No. 214/2017 seeks to implead themselves in O.A No. 429/2016 on the plea that the applicant in the Original Application has sought direction to respondent to ban/prohibit illegal mining within 1 Km from Kaimur Wildlife Sanctuary situated in Village-Billin Markundi. He has sought to seize mining licences in the village Salkhan, Bahuar, Bugaulia, Hinautli and Jaluai colony which are in 10 km periphery of Kaimur Wildlife Division and restore Kaimur Wildlife Sanctuary situated in District-Sonebhadra free from any mining work. They contend that despite order passed by Hon'ble High Court of Allahabad in the case of "Kamla Kant Pandey Vs Prabhagiya Van Adhikari, Sonbhadra" no demarcation has been done so far. |

The contention of the applicants in this application is that they are in the mining business and in view of the general directions sought by the applicant in the main application they may be affected if any order passed. It is submitted they are in possession of mining lease and no objection certificate from the Forest Department and have complied with all the regulation thus they seek to participate in the proceeding before any orders are passed. However Learned Counsel for the respondent no.8 and 9 disputes their contentions and refers to statament in para 6 of 6 of their affidavit.

Copy of this application has been served only on the Learned Counsel for the applicant in the main application. The Learned Counsel for the applicant in the original opposes this Miscellaneous Application on the ground he has sought to ban mining in the entire area, and therefore impleading these persons may not be necessary. He further submits in response to his application under RTI Act, information has been given that there are 118 illegal mining operation in the area in question. He submits allowing this application will not solve this issue.

Taking into consideration all circumstances the concerned, we are of opinion that, it would be more beneficial to the applicant to permit applicants in M. A. to participate in the proceeding to present them for taking a plea that they were not heard before any order is passed by the Tribunal. On this conclusion we allow M.A. No. 214/2017 and permit applicant to participate in the proceeding as intervener. Since all of them are

represented by single Learned Counsel. Learned Counsel in the Main Application is directed to serve one copy of the main Application to the applicant in the Miscellaneous Applicant. However, learned Counsel for the Respondent No. 8 & 9 submits that as mentioned in para 6 of their affidavit they have suspended NoC issued earlier for mining activity in the said land in terms of our order dated 4th May, 2016 in M.A. No. 1166/15.

Post it for final hearing on for further hearing on 18th May, 2017

.....JM
(Dr. Jawad Rahim)

.....EM
(Dr. Nagin Nanda)

